

AMENDED IN ASSEMBLY APRIL 8, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3431**

**Introduced by Assembly Member Bowen**

February 23, 1996

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An act to add Chapter 4.5 (commencing with Section 8301) to Division 1 of Title 2 of the Government Code, and to amend Section 40182 of the Revenue and Taxation Code, relating to information systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 3431, as amended, Bowen. Geographic information systems.

(1) Existing law requires or authorizes state and local agencies to compile, maintain, and disseminate data for various purposes, and to develop electronic information systems for those purposes.

*Existing law sets forth the duties of the Department of Information Technology in the development and oversight of information technology policy in the state.*

This bill would enact the Strategic Geographic Information Investment Act of 1996. It would ~~establish the Geographic Information Board~~ require the Department of Information Technology to create an advisory board, with a specified membership, and with specified duties, ~~including the administration of~~. It would require the department, in consultation with the board, to administer grants under the Geographic Information Grant Program for the development

of new, and ~~the ongoing~~ maintenance of ~~frameworks of existing, framework~~ data bases for geographic information systems. It would establish the Geographic Information Grant Fund in the State Treasury for the purpose of funding the grant program, and provide that moneys in the fund shall be subject to appropriation in the annual Budget Act.

(2) Existing law establishes the Energy Resources Programs Account in the General Fund, for the purpose of receiving specified excess moneys *transferred* from the Energy Resources Surcharge Fund, ~~and states the intent of the Legislature that those moneys be used for ongoing energy programs and energy projects deemed appropriate by the Legislature, including specified activities for specified purposes.~~

This bill would ~~include the grant program established by the bill within the activities authorized to be funded from the Energy Resources Programs Account~~ *specify that an equal portion of the excess moneys in the Energy Resources Surcharge Fund be transferred to the Geographic Information Grant Fund*, and would specify that the ~~Geographic Information Board established by the bill~~ *department* may receive funds from that ~~account~~ *fund* for purposes of the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of  
2 the following:

3 (a) Quality information is essential to maintain the  
4 health, safety, and welfare of the people of California and  
5 California's economy and environment, and it is the  
6 responsibility of state government to ensure that crucial  
7 information is available for effective operation of the  
8 public sector.

9 (b) The lack of quality information leads to poor  
10 decisions by public and private organizations.

11 (c) Crime prevention, property management, energy  
12 resources planning and service delivery, land planning,

1 risk assessment, economic development, emergency  
2 response, pollution control, education, delivery of human  
3 and social services, transportation management, natural  
4 resources management, and environmental  
5 decisionmaking are all functions of the public and private  
6 sectors that require large amounts of high quality and  
7 available information. This information can be indexed  
8 by its geographic location, and, through the use of  
9 geographic information systems, can be retrieved rapidly  
10 and effectively.

11 (d) Computers and electronic data bases proliferate  
12 throughout government, and automated mapping and  
13 geographic information systems are the fastest growing  
14 areas for information technology.

15 (e) Data are often collected and data bases designed  
16 for isolated reasons, and seldom with consideration for the  
17 needs and requirements of those outside the sponsoring  
18 organization. California cannot afford data  
19 fragmentation. A new direction must focus on  
20 coordinated actions and better allocation of existing  
21 financial resources at all levels of government.

22 (f) The capture of geographic information is  
23 expensive, and public and private organizations must be  
24 encouraged to work together to create shared geographic  
25 information data bases, thus avoiding redundancy and  
26 duplication.

27 (g) The update and maintenance of existing  
28 geographic information system data bases is an effort that  
29 is critical to the effective use and preservation of the  
30 resources invested in geographic information systems.

31 (h) Geographic information is heavily relied upon and  
32 critical to ~~public~~ agencies, public utilities, educational  
33 institutions, and private organizations, and provides the  
34 foundation for assessment and planning of services and  
35 actions.

36 (i) The flow of information between public  
37 organizations and the citizenry must be unfettered in  
38 order for public organizations to respond rapidly and  
39 successfully to the health, safety, and welfare concerns of  
40 the people of California.

1 (j) Increased electronic access to the public's  
2 information systems will enhance the delivery of public  
3 services and the availability of information.

4 (k) California must implement a comprehensive  
5 strategy for the development, funding, and coordinated  
6 use of geographic information to successfully serve its  
7 citizens and to compete in the new international  
8 economic system.

9 (l) Automated mapping and geographic information  
10 systems offer great value to the public. ~~It is a policy option~~  
11 ~~of each public agency to decide whether the information~~  
12 ~~that it has gathered, maintained, and stored in these~~  
13 ~~systems should be offered to private commercial users as~~  
14 ~~a public subsidy, or on a fee-for-service basis.~~

15 (m) Because of the high cost of creating and  
16 maintaining geographic information data bases, many  
17 public agencies are seeking greater authority to sell the  
18 data. Public agency policies for pricing the data range  
19 from covering the cost of data duplication, to recouping  
20 the costs from compilation and maintenance of the data  
21 bases. These policies impede and discourage the sharing  
22 of data among public agencies with overlapping  
23 geographic jurisdictions and interests. They also threaten  
24 to thwart the public's right to open and unfettered access  
25 to the government's decisionmaking information.

26 (n) It is the intent of the Legislature in enacting this  
27 act to redress these problems and take better advantage  
28 of opportunities described in this act. It is the further  
29 intent of the Legislature to provide an alternative source  
30 of funds for public agencies to create and maintain  
31 geographic information data bases without having to sell  
32 the public data. Finally, it is the intent of the Legislature  
33 ~~to establish a board to~~ *that the Department of*  
34 *Information Technology* coordinate open exchange of  
35 geographic information among public agencies by  
36 establishing compatible standards for framework  
37 information and serving as a clearinghouse for access to  
38 data.

SEC. 2. Chapter 4.5 (commencing with Section 8301) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 4.5. STRATEGIC GEOGRAPHIC INFORMATION  
INVESTMENT ACT OF 1996

8301. This chapter shall be known and may be cited as the Strategic Geographic Information Investment Act of 1996.

8302. For the purposes of this chapter, the following definitions shall apply:

(a) “Board” means the ~~Geographic—Information Board~~, *advisory board created pursuant to subdivision (b) of Section 8303.*

(b) “Data base” means records or groups of records, stored electronically, that can be retrieved by a computer.

(c) “Department” means the Department of Information Technology.

(d) “Framework data base” means any categories of geographic information and their attributes that provide a foundation for collection and analysis of other data. A characteristic of framework data is that it serves multipurpose and multiple users with the same data.

~~(d)~~

(e) “Geographic information” means any physical, legal, economic, environmental, biological, or human information related by some indicator of geographic location. Geographic information includes, but is not limited to, information relating to topography, soil, geology, vegetation, land cover, land use, land use controls and restrictions, wildlife, land ownership, jurisdictional boundaries, administrative zones, tax assessment, land value, geodetic control, aerial photography, planimetric data, satellite imagery, historic and prehistoric sites, and economic projections.

~~(e)~~

(f) “Geographic information records” means maps, documents, computer files, data bases, and other

1 information storage media in which geographic  
2 information is recorded.

3 ~~(f)~~

4 (g) “Geographic information system” means an  
5 organized collection of computer hardware, software,  
6 geographic information, and personnel designed to  
7 efficiently capture, store, update, manipulate, analyze,  
8 and display all forms of geographically referenced  
9 information.

10 ~~8303. (a) There is hereby created a Geographic~~  
11 ~~Information Board, to consist of 10 members, as follows:~~

12 ~~(1) Nine members appointed by the Governor as~~  
13 ~~follows:~~

14 *8303. (a) The Department of Information*  
15 *Technology shall implement this chapter.*

16 *(b) The department shall create an advisory board*  
17 *consisting of members, each with one vote, who shall*  
18 *advise the department on policies to carry out this*  
19 *chapter and make recommendations on the awarding of*  
20 *grants.*

21 *(1) The advisory board should consist of the following*  
22 *members:*

23 (A) One member who is experienced with geographic  
24 information used and developed by municipal  
25 government.

26 (B) One member who is experienced with geographic  
27 information used and developed by county government.

28 (C) One member who is experienced with geographic  
29 information used and developed by state government.

30 (D) One member who is experienced with geographic  
31 information used and developed by regional government  
32 agencies as defined in Chapter 5 (commencing with  
33 Section 65000) of Division 7.

34 (E) One member who is experienced with geographic  
35 information used and developed by public utilities.

36 (F) One member who represents an institution of  
37 higher learning and is experienced in geographic  
38 information.

(G) One member who is authorized to practice land surveying by the State of California Board of Professional Engineers and Land Surveyors.

(H) *One member who is on the Federal Geographic Data Committee.*

(I) Two members who represent the public and have expertise and experience with geographic information.

(2) The chairperson of the California Geographic Information Coordination Council is a member.

~~(b) The board~~

(c) *The department* may select and appoint advisory members to serve in a nonvoting capacity and assist the board in its deliberations. The advisory membership should consist of a representative of a regional planning agency, a county employee active in the management of geographic information systems, a municipal employee active in the management of geographic information systems, a representative of professional surveyors, a representative of professional engineers, representatives of elementary and higher education, representatives from state and federal agencies active in the management of geographic information systems, and other groups that the ~~board~~ *department* believes will help foster its goals and objectives.

~~(e)–~~

(d) Each member of the board shall represent the state at large and not any particular geographic region or special interest thereof.

~~(d) The Governor shall appoint the members of the board no later than March 1, 1997. If the Governor fails to make an appointment within that period, the Senate Committee on Rules may make the initial appointment. Every appointment made by the Governor shall be subject to the advice and consent of the Senate. An appointment by the Senate Committee on Rules is not subject to Senate confirmation.~~

(e) The terms of office of the appointed members of the board shall be for four years, except that the members first appointed to the board shall classify themselves by lot so that the term of two or three members, as the case may

1 be, shall expire at the end of each of the four years  
2 following the initial appointments to the board.

3 (f) Any vacancy shall be filled by the ~~Governor Chief~~  
4 ~~Information Officer~~ within 30 days of the date on which  
5 a vacancy for the unexpired portion of the term occurs or  
6 for any new term of office. If the ~~Governor Chief~~  
7 ~~Information Officer~~ fails to make an appointment for any  
8 vacancy within that period, the ~~Senate Committee on~~  
9 ~~Rules may board may~~, by a majority vote of all members,  
10 make the appointment to fill the vacancy for the  
11 unexpired portion of the term.

12 (g) Every two years, the board shall elect a  
13 chairperson and a vice-chairperson from the  
14 membership of the board. The term of office for the  
15 chairperson and vice-chairperson shall be two years. If a  
16 vacancy occurs in either office, the board shall fill the  
17 vacancy for the unexpired term.

18 ~~(h) Members shall serve without compensation, but~~  
19 ~~the expenses of each member incurred in connection~~  
20 ~~with official duties shall be paid by the board.~~

21 ~~(i) The board shall establish its office in the County of~~  
22 ~~Sacramento and for this purpose may rent or own~~  
23 ~~property and equipment.~~

24 ~~(j) The board shall appoint an executive director who~~  
25 ~~shall serve at the pleasure of the board. The board shall~~  
26 ~~prescribe the duties and salary of the executive director.~~  
27 ~~The executive director shall, subject to the approval of~~  
28 ~~the board, appoint those employees necessary to perform~~  
29 ~~the functions of the board.~~

30 ~~(k)~~

31 *(h) Members shall be entitled to reimbursement of*  
32 *travel expenses and per diem pursuant to rules set forth*  
33 *by the Department of Personnel Administration.*

34 (i) A majority of the voting members of the board shall  
35 constitute a quorum for the transaction of business of the  
36 board. A majority vote of the voting members present  
37 shall be required to take action with respect to any matter  
38 unless otherwise specified in this chapter. The vote of  
39 each member shall be individually recorded.

40 ~~(l)~~



(j) The board shall adopt its own rules and procedures necessary for its organization and operation. Any rule, procedure, plan, or other record of the board that constitutes a public record pursuant to subdivision (d) of Section 6252 shall be available for inspection and copying during regular office hours.

~~(m) The board~~

(k) *The department, on behalf of the board,* may apply for and accept federal grants or other federal funds and receive gifts, donations, rents, royalties, state funds derived from bond sales, the proceeds of taxes or funds from other state revenue sources, including funds transferred from the Energy Resources Surcharge ~~Account established~~ Fund pursuant to Section 40182 of the Revenue and Taxation Code, or any other financial support available from public or private sources.

~~(n) The board~~

(l) *The department, on behalf of the board,* may expend no more than 10 percent of the moneys in the grant fund appropriated annually by the Legislature for the operations of the board.

8304. The board shall perform the following functions:

(a) Direct and supervise the geographic information grant program for the state.

(b) Collect, maintain, and disseminate information regarding the availability and development of geographic information and geographic information products and serve as the state clearinghouse for access to geographic information.

(c) Administer and monitor the Geographic Information Grant Program established pursuant to Section 8306. The board shall set eligibility requirements, competitive selection criteria, and performance monitoring criteria for grants.

(d) Define framework geographic data bases and the minimum level of attribution for the framework data bases that are eligible for grants from the geographic information grant program.

(e) Ensure and certify that data developed and maintained through the grant program conform to framework standards and integrates with other framework data. The board shall ensure that a consistent set of standards applies to all framework data bases developed and maintained through the grant program.

8305. (a) There is in the State Treasury the Geographic Information Grant Fund. All moneys appropriated or transferred by the Legislature to, or received from any other source by, the *department or the board*, shall be deposited in the fund.

(b) Moneys in the fund shall be used for fostering programs and activities to create and improve geographic information, including, but not limited to, the Geographic Information Grant Program and the ~~activities of the Geographic Information Board.~~ *activities of the board.*

(c) Moneys in the fund shall be subject to appropriation in the annual Budget Act.

8306. (a) The ~~board~~ *department* shall establish the Geographic Information Grant Program, to administer, *in consultation with the board*, grants from the Geographic Information Grant Fund as follows:

(1) Development of new, and ~~the ongoing maintenance of frameworks of existing, data bases for maintenance of, framework data bases for~~ geographic information systems shall be the only purposes for which grants may be made.

~~(2) The board shall not make grants for applications that duplicate framework data bases already existing and that are available from another source, whether it be private or public.~~

*(2) The board shall give preference to grant applications that do not duplicate existing framework data bases.*

(3) The grant program shall be open to all public agencies and private organizations located in California.

(4) Grants ~~may~~ *shall* be made to partnerships, to include at least one public agency. The partnership shall demonstrate in its application that each partner shares

1 responsibility for development and maintenance of the  
2 geographic information and that each partner uses and  
3 participates materially in the geographic information  
4 developed or maintained.

5 (5) The maximum dollar amount for a grant shall be  
6 determined annually by the board.

7 (6) The board may require all grants to have a  
8 matching requirement. The board shall develop criteria  
9 for determining the levels of a matching requirement for  
10 any application. The board may permit a matching  
11 requirement be met through the provision of goods and  
12 services by an applicant.

13 (7) The board shall require that any recipient of a  
14 grant make data developed or maintained with grant  
15 funds available to disclosure under the California Public  
16 Records Act (Chapter 3.5 (commencing with Section  
17 6250) of Division 7) and require that the *electronic* data  
18 shall be placed in the public domain free of any restriction  
19 on use or copy.

20 ~~(b) The board shall meet and annually award grants to~~  
21 ~~selected applicants up to the total amount authorized by~~  
22 ~~the Legislature.~~

23 ~~(e)~~  
24 (b) In administering the grant program, the board  
25 shall promote, facilitate, and coordinate liaison among  
26 municipal, county, regional, state, and federal agencies as  
27 well as public utilities and private companies involved  
28 with the creation and maintenance of geographic  
29 information.

30 ~~(d) The board~~

31 (c) *The department* shall report annually to the  
32 Legislature on the status of the grant program, the  
33 success of the program in achieving the development of  
34 framework data bases, and the status and success of each  
35 grant.

36 SEC. 3. Section 40182 of the Revenue and Taxation  
37 Code is amended to read:

38 40182. (a) All moneys deposited in the Energy  
39 Resources Surcharge Fund under this part shall upon  
40 order of the Controller be drawn therefrom and

1 transferred to pay the refunds authorized by this part.  
2 The balance shall be transferred *in equal portions* to the  
3 Energy Resources Programs Account, which is hereby  
4 created in the General Fund, *and to the Geographic*  
5 *Information Grant Fund established pursuant to Section*  
6 *8305 of the Government Code.*

7 ~~It~~

8 (b) (1) It is the intent of the Legislature that the funds  
9 in the Energy Resources Programs Account be used for  
10 ongoing energy programs and energy projects deemed  
11 appropriate by the Legislature, including, but not limited  
12 to, the activities of the State Energy Resources  
13 Conservation and Development Commission, ~~and the~~  
14 ~~grant program funded from the Geographic Information~~  
15 ~~Grant Fund established pursuant to Section 8305 of the~~  
16 ~~Government Code..~~

17 Notwithstanding any other provisions of law to the  
18 contrary, all appropriations from the Energy Resources  
19 Programs Account shall be made by the annual Budget  
20 Act.

21 (2) *It is the intent of the Legislature that funds*  
22 *transferred pursuant to this section to the Geographic*  
23 *Information Grant Fund be used for the purposes*  
24 *specified in Section 8305 of the Government Code, and be*  
25 *appropriated in the annual Budget Act as specified in that*  
26 *section.*

